

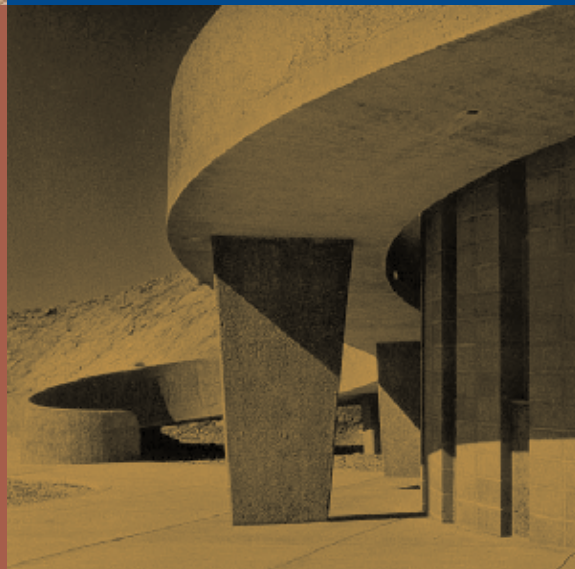


STANDARDS FOR FEDERAL HISTORIC PRESERVATION PROGRAMS:

SECTION 110 OF THE NATIONAL HISTORIC PRESERVATION ACT



Every Federal agency is
responsible for developing
an effective historic
preservation program.



HISTORIC PRESERVATION PROGRAM STANDARDS

WHAT IS SECTION 110 OF THE NATIONAL HISTORIC PRESERVATION ACT?

Section 110 requires that each Federal agency establish a historic preservation program for the identification and protection of historic properties. Effective historic preservation programs demonstrate reasonableness and flexibility to ensure full and fair consideration of alternatives for preserving historic properties. Whatever its mission, every agency must have a historic preservation program. Successful agency programs are measured against the seven standards articulated in the *Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs* (see back cover).

WHAT IS THE ROLE OF THE FEDERAL PRESERVATION OFFICER?

Section 110 requires that Federal historic preservation programs be coordinated by the agency's Federal Preservation Officer. While Federal Preservation Officers may have other duties, they should have substantial experience administering Federal historic preservation activities. To be effective, each Federal Preservation Officer must have agency-wide authority and the staff and fiscal resources necessary to design and implement the agency's historic preservation program. About 75 agencies have designated a Federal Preservation Officer.

WHAT ARE THE COMPONENTS OF A FEDERAL HISTORIC PRESERVATION PROGRAM?

A successful historic preservation program fosters, develops and expands agency-wide policies, procedures, and activities that further the stewardship goals of the National Historic Preservation Act. These programs:

- Combine historic preservation compliance with other legislative and administrative mandates;
- Identify ways to foster the use of historic properties within agency programs; and,
- Use existing government-wide policies, procedures, approaches and standards.

HOW DO FEDERAL HISTORIC PRESERVATION PROGRAMS DIFFER?

An agency's mission and its potential to affect historic properties are the primary factors that shape a Section 110 historic preservation program.

- Ownership means stewardship: Agencies have the greatest responsibility for the management, maintenance, and use of historic resources they own. Federal agencies must try to use historic properties to the maximum extent feasible.

- Grants foster preservation: Federal grant programs encourage grantees to retain and make appropriate use of historic properties. In addition, federal agencies should establish grant programs that specifically support the stewardship of historic properties.
- Licenses or permits minimize impacts: Agencies that issue licenses or permits to non-federal parties ensure that their procedures favor actions that avoid or minimize adverse effects on historic properties.

WHAT IS THE RELATIONSHIP BETWEEN NATIONAL HISTORIC PRESERVATION ACT SECTIONS 110 AND 106?

The comprehensive Federal historic preservation program established in Section 110 provides a solid foundation for an agency's compliance with Section 106 of the National Historic Preservation Act. Section 110 focuses on agency guidelines and policies on the identification, recognition, use and management of historic properties. Section 106 compliance is primarily concerned with individual projects. Land management agencies with a complete inventory of historic properties are in a better position to complete the Section 106 compliance process at the earliest stages of project planning. Licensing, permitting, and funding agencies with clearly established and consistently applied procedures for identifying historic properties are more efficient in complying with Section 106.

An effective Section 110 program reduces the cost of Section 106 compliance. Coupling historic preservation goals with other legal requirements should be a priority for Federal preservation programs.

USS Midway, San Diego, California.
In 2004, after more than a decade of preparation, the USS Midway Museum opened as a naval aviation history museum with an emphasis on people and culture as well as technology and events. The Midway is one of 47 former Navy ships on loan in 21 states. In 2007, the USS Midway Museum was awarded a Preserve America Presidential Award in the heritage tourism category.



HISTORIC PRESERVATION PROGRAM STANDARDS

HISTORIC PROPERTY INVENTORY

The identification, evaluation, and nomination of historic properties is the first priority of every Federal agency preservation program. In addition to Section 110 requirements, two Executive Orders reinforce the need for complete inventories of historic properties under their agency ownership. The Preserve America (E.O. 13287) and Federal Real Property Asset Management (E.O. 13327) initiatives make the connection between comprehensive and accurate information about historic resources and efficient and effective management of federal property.



Sabbathday Lake Shaker Village, New Gloucester, Maine. In 2007, the Department of Agriculture's Farm and Ranch Lands Protection Program awarded the Trust for Public Lands \$500,000 to assist in the purchase of a conservation easement which guarantees that the National Historic Landmark farm will never be developed. Administered by the Natural Resources Conservation Service, the program provides farmers with matching grants to preserve farmland.

NATIONAL REGISTER OF HISTORIC PLACES

As the nation's official list of places worthy of preservation, the National Register of Historic Places helps decision makers and the public to be fully informed about the characteristics that make an individual property or group of historic places important in American history. When Federal agencies determine that a property meets the criteria for registration without subsequently nominating the resource, the purpose of a comprehensive inventory of America's historic resources is defeated. Listing Federal historic properties on the National Register is one product of a successful Section 110 program.

National Register nominations document a historic resource's significance and condition at the time of listing. Federal Preservation Officers develop systems to monitor physical changes to properties in their historic inventories and incorporate new scholarship into the evaluation and interpretation of historic properties.

Reluctance among Federal agencies to make annual progress towards listing historic properties on the National Register hinders effective asset management and project planning. Many agencies prioritize the preparation of National Register nominations based on program needs. Grant-making agencies, within the range of discretion provided by statute, structure their award programs to favor applicants who foster the retention and appropriate use of National Register listed properties.

Federal agencies can take advantage of the extensive series of National Register Bulletins, which provide authoritative guidance for the evaluation and registration of a wide variety of historic properties. In addition, the National

Register has made important advances in making the nomination process more automated and efficient.

HISTORIC PROPERTY DOCUMENTATION

In cases where federal actions substantially alter or demolish historic properties, federal historic preservation programs must ensure that the physical features are documented and sources of historic information preserved for future study. Federal Preservation Officers are encouraged to use National Park Service standards and guidance for historical documentation.

Large format photographs, measured drawings, and property histories prepared to NPS's Historic American Buildings Survey (HABS), the Historic American Engineering Record (HAER), and Historic American Landscape Survey (HALS) standards can become part of the NPS collection at the Library of Congress and are available to the public.



Visitor Center, President Lincoln's Cottage, Washington, DC. In cooperation with the Armed Forces Retirement Home, the National Trust for Historic Preservation used green building standards to rehabilitate this 1905 building for use as a visitor education center.

**FEDERAL AGENCIES ADMINISTER HISTORIC PROPERTIES
IN THE SPIRIT OF STEWARDSHIP FOR THE INSPIRATION
AND BENEFIT OF PRESENT AND FUTURE GENERATIONS.**

FULL AND FAIR CONSIDERATION OF HISTORIC PROPERTIES

Federal historic preservation programs must integrate full and fair consideration of historic properties in agency planning and management decisions. Effective programs mandate the systematic consideration of historic properties as part of day-to-day operations as well as strategic and long-range planning. Consideration of historic properties requires the assessment of a range of preservation alternatives at an early stage of program development. It also means consideration of all kinds of effects (whether physical, visual, audible, atmospheric, direct, indirect, secondary or cumulative) on those properties.

Consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR Part 68), agencies plan to retain traditional uses for buildings or plan for the adaptive reuse of historic properties. The decision to preserve and maintain historic properties must be explicitly stated, fairly considered, and adequately developed in relation to other management needs.

Agencies must balance the purpose and need for a particular program, the general and specific public interest in the protection of historic properties, the costs of preservation, and other relevant public interest factors. In addition, agencies must plan for the use of non-federal historic properties in addressing their needs—through leases, exchanges, and partnerships to encourage the preservation of historic properties. Likewise, grant-making agencies design their programs to encourage the appropriate use of historic properties.

In anticipation of its 50th anniversary, the United States Air Force Academy in Colorado worked with the National Park Service to prepare National Historic Landmark documentation which was completed in April 2004. The Academy also sponsored a Teaching with Historic Places Lesson Plan on the installation. This campus core, an icon of modern architecture, has a comprehensive building maintenance plan and design guidelines.

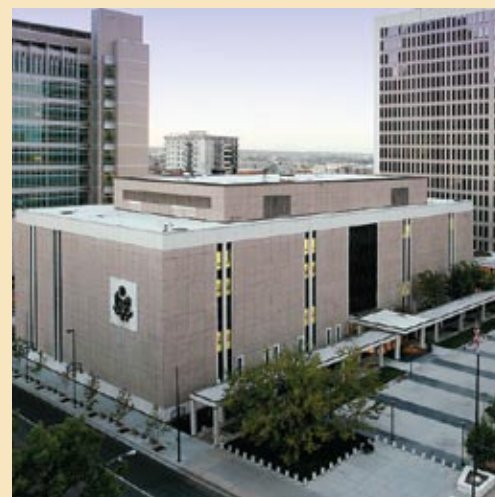
FUNDING FOR PRESERVATION ACTIVITIES

Federal Preservation Officers must ensure that their agency budget offices have information sufficient to prioritize and support the agency's compliance with the National Historic Preservation Act and related laws. Working with the agency's local and/or regional offices, the Federal Preservation Officer identifies ways to reduce both short and long term costs through regular maintenance, combining inventory activities, and using emerging technologies and techniques. Agencies should look for opportunities to reduce costs by:

- adaptively reusing buildings
- protecting archeological sites *in situ*, and
- entering into partnerships for curation of historic and archeological materials.

Agencies should recognize that the reuse of historic properties avoids demolition and land-fill costs and supports federal energy and environmental conservation goals.

Federal historic preservation programs recognize the benefits that preservation activities can have on local economic vitality by increasing jobs, income, and property values. Federal expenditures on historic property and federal assistance



Unexpected public interest in the preservation of character-defining elements at the 1965 Byron G. Rogers Federal Building and U.S. Courthouse in Denver Colorado, led GSA to commission a study to better understand the architecture and context of buildings from this era. In 2003, GSA published Growth, Efficiency, and Modernism: GSA Buildings of the 1950s, 60s, and 70s, which articulates how the agency will identify and evaluate modern buildings in its portfolio.

serve as an economic catalyst to communities. Following Executive Order 13006, federal agencies consider locating activities in historic downtowns. Agencies with historic properties not currently needed for their missions may lease such properties.

Federal agency historic preservation programs also recognize the many intangible values of historic properties

by taking into account their role in providing a “sense of orientation” to the American people. Through an agency’s programs for education, recreation, conservation, assistance, and service, the inspirational and instructive values of historic properties can be recognized and enjoyed by more people.



SECTION 110 OF THE NATIONAL HISTORIC PRESERVATION

(a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071). Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g) of this Act, any preservation, as may be necessary to carry out this section.

(2) Each Federal agency shall establish (unless exempted pursuant to Section 214) of this Act, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure—

(A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;

(B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

(C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;

(D) that the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies,

Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector; and

(E) that the agency's procedures for compliance with section 106 of this Act—

(i) are consistent with regulations issued by the Council pursuant to section 211 of this Act;

(ii) provide a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and

(iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(c)).

(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a) of this Act, in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

(c) The head of each Federal agency shall, unless exempted under section 214 of this Act, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(h) of this Act.

FEDERAL PRESERVATION OFFICER QUALIFICATIONS

Section 110 states that "in order to be considered qualified," a Federal Preservation Officer may "satisfactorily complete an appropriate training program" developed by the Secretary of the Interior under section 101(h) of NHPA. In 1983, the Secretary established Professional Qualification Standards which describe the minimum educational and professional experience requirements in history, archeology, architectural history, architecture, and historic architecture required to perform identification, evaluation, registration, and treatment activities (48 FR 22716, September 1983).

The Secretary's Section 110 guidelines require that agencies whose Federal Preservation Officers do not meet the professional qualifications have "specifically assigned staff under their supervision who have such experience." The Secretary's Professional Qualification Standards also apply to State Historic Preservation Offices, Tribal Historic Preservation Offices, and Certified Local Governments.

ACT OF 1966, AS AMENDED

(d) Consistent with the agency's mission and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts not to exceed \$1,000 and provide citations for special achievements to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the

issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.

(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

(1) With respect to any undertaking subject to section 106 of this Act which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of such agency shall document any decision made pursuant to section 106 of this Act. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 of this Act memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

CONSULTATION WITH THE SECRETARY OF THE INTERIOR

Section 110(a)(2) requires that agency preservation programs be established "in consultation with the Secretary." The performance of federal historic preservation programs is measured by the Secretary's Standards and Guidelines for Federal Agency Historic Preservation Programs. Upon request, the Secretary will provide informal technical assistance to any agency on questions concerning the establishment or improvement of the agency's historic preservation program.

For more information on Federal Preservation Officer qualifications or consultation with the Secretary of the Interior on federal agency historic preservation programs, please contact the Federal Preservation Institute at 202-354-6999 or email: NPS_FPI@nps.gov.

A HIGHER STANDARD OF CARE FOR NATIONAL HISTORIC LANDMARKS

Designated by the Secretary of the Interior, National Historic Landmarks (NHL) are exceptionally valuable in commemorating or illustrating the history of the United States. Federal agencies, to the maximum extent possible, plan to minimize harm at these nationally important places. Federal historic preservation programs demonstrate a higher standard of care for their agency's National Historic Landmarks by:

- ensuring that historic documentation and condition assessments are up-to-date;
- developing preservation procedures for facility use and maintenance;
- integrating special consideration for these properties in agency planning and budgeting; and,
- establishing educational and interpretive programs that illustrate the property's national significance.

Federal Preservation Officers ensure that all prudent and feasible alternatives are weighed fairly in agency decisions regarding impacts on National Historic Landmarks. Federal grants, licences, or permits should not enable other parties to adversely effect National Historic Landmarks. An agency's higher standard of care for National Historic Landmarks is an easily measurable outcome of an effective historic preservation program.

CONSULTATION

Consultation is the process of seeking, discussing, and considering the views of others, and, where feasible, seeking agreement with them on how historic properties should be recognized and managed. Federal historic preservation programs include procedures to ensure that appropriate interested parties at the local, state, tribal, and national level are involved in agency decision making that may impact historic properties. Effective consultation is built upon the exchange of ideas, not simply providing information, and is appropriately scaled to the potential for program impacts on historic properties.

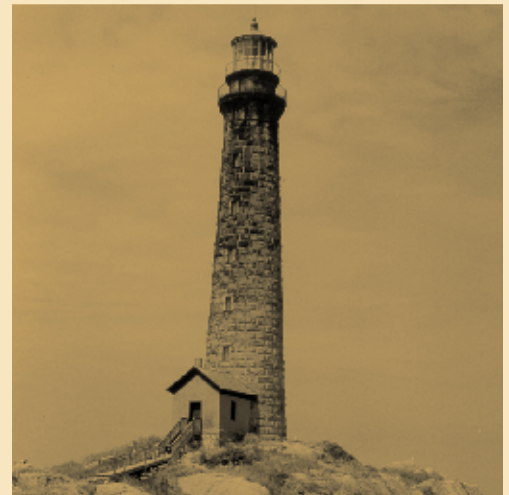
Section 110 consultation includes broad efforts to maintain frequent interaction and ongoing communication with all public and private entities interested in an agency's historic preservation activities. Agencies should develop consultation procedures for their overall historic preservation programs as well as for individual projects. The inclusion of Indian tribes as part of a government-to-government consultation process is an imperative.

COVER PHOTOS

Clockwise from top:

Beauvoir, the National Historic Landmark home of Jefferson Davis, is one of very few wooden homes still standing in the coastal Mississippi area after Hurricane Katrina in 2006. For its innovative efforts to create a Geographic Information System of historic properties as part of broader recovery efforts along the Gulf Coast, the Federal Emergency Management Agency received the Chairman's Award for Federal Achievement in Historic Preservation from the Advisory Council on Historic Preservation in 2007.

Fort Monroe, Virginia. Chosen for closure by the Base Closure and Realignment legislation, this active military installation is a National Historic Landmark. Effectively dealing with surplus historic properties is one of the challenges faced by Federal Preservation Officers.



Cape Ann Light Station, Massachusetts. Designated in 2001, portions of this National Historic Landmark are contained within the Thacher Island National Wildlife Refuge managed by the US Fish and Wildlife Service. While the buildings are owned by a local government, the lighthouse complex is interpreted by a local nonprofit organization. In 2007 the Fish and Wildlife Service and the National Wildlife Refuge Foundation were honored by the Advisory Council on Historic Preservation for the creation of a Preserve America Historic-Educational Grants Program.

Quarry Visitor Center, Utah. In 2000, the National Park Service began the development of a national context for understanding the potential historical significance of Mission 66, a 10 year period of growth and expansion leading up to the 50th anniversary of the agency. This study resulted in Mission 66 Visitor Centers: The History of a Building Type. As a result, NPS nominated three Visitor Centers as National Historic Landmarks.

Washington Navy Yard, Washington, DC. The identification, management and stewardship of archeological resources present a unique set of challenges to Federal Preservation Officers.

Consultation is a vital part of a vigorous Federal Historic Preservation Program. National Park Service Regional Director, Jonathan B. Jarvis, presents the drawing of the proposed USS Arizona Memorial Visitor Center at Hala'awa Landing in Pearl Harbor, Hawaii.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR FEDERAL AGENCY HISTORIC PRESERVATION PROGRAMS PURSUANT TO THE NATIONAL HISTORIC PRESERVATION ACT

Congress amended the National Historic Preservation Act in 1980 and included Section 110, which defines the historic preservation responsibilities of all Federal agencies. As the cabinet officer who implements the act, the Secretary of Interior, acting through the National Park Service, developed standards and guidelines that detail how federal agencies must comply with the requirements of Section 110 (Federal Register, 24 April 1998).

STANDARD 1. Each Federal agency establishes and maintains a historic preservation program that is coordinated by a qualified Preservation Officer, and that is consistent with and seeks to advance the purposes of the National Historic Preservation Act. The head of each Federal agency is responsible for the preservation of historic properties owned or controlled by the agency. [Sec. 110(a)(1), Sec. 110(a)(2), Sec. 110(c), and Sec. 110(d)].

STANDARD 2. An agency provides for the timely identification and evaluation of historic properties under agency jurisdiction or control and/or subject to effect by agency actions. [Sec. 110(a)(2)(A), and Sec. 112].

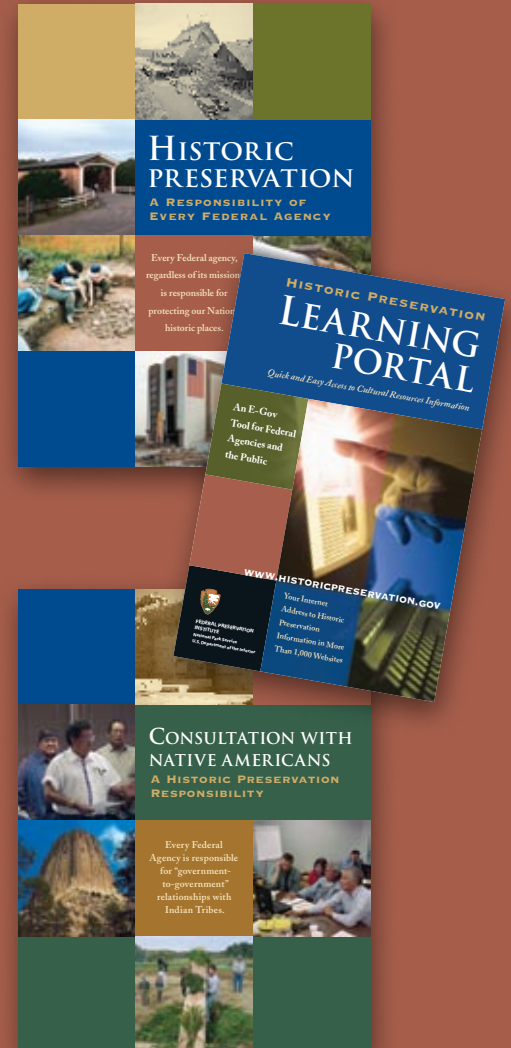
STANDARD 3. An agency nominates historic properties under the agency's jurisdiction or control to the National Register of Historic Places. [Sec. 110(a)(2)(A)].

STANDARD 4. An agency gives historic properties full consideration when planning or considering approval of any action that might affect such properties. [Sec. 110(a)(2)(B), (C), and (E), Sec. 110(f) and Sec. 402(16 U.S.C. 470a-2)].

STANDARD 5. An agency consults with knowledgeable and concerned parties outside the agency about its historic preservation related activities. [Sec. 110(a)(2)(D)].

STANDARD 6. An agency manages and maintains historic properties under its jurisdiction or control in a manner that considers the preservation of their historic, architectural, archeological, and cultural values. [Sec. 110(a)(1), Sec. 110 (a)(2)(B), Sec. 110(b)].

STANDARD 7. An agency gives priority to the use of historic properties to carry out agency missions. [Sec. 110(a)(1)].



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